

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SADIQ MIZORI,)
)
Plaintiff,) Case No. 5:05-cv-94
)
v.) Honorable Robert Holmes Bell
)
COMMISSIONER OF)
SOCIAL SECURITY,)
)
Defendant.)

)

ORDER OF REMAND

This is a social security action brought under 42 U.S.C. § 1383(c)(3) seeking review of a final decision of the Commissioner of Social Security finding that plaintiff was not entitled to supplemental security income (SSI) benefits. On August 24, 2005, prior to filing an answer, the Commissioner filed an unopposed motion for remand under sentence six of 42 U.S.C. § 405(g). (docket # 5). A sentence six remand is a pre-judgment remand. The court does not affirm, modify, reverse, or rule in any way on the correctness of the administrative determination. *See Melkonyan v. Sullivan*, 501 U.S. 89, 99-100 (1991); *Faucher v. Secretary of Health & Human Servs.*, 17 F.3d 171, 174-75 (6th Cir. 1994). The Commissioner seeks remand because the tape of plaintiff's hearing before the ALJ is "partially or totally blank." Upon review, the court finds good cause to remand this matter to the Commissioner. Accordingly,

IT IS ORDERED that defendant's motion (docket # 5) is GRANTED, and matter is hereby remanded to the Commissioner for further administrative proceedings.

IT IS FURTHER ORDERED that this court retains jurisdiction. The case is administratively closed for the duration of the administrative proceedings on remand. Within 30 days after a final administrative decision, the parties shall advise the court in writing regarding whether this case should be dismissed or a new briefing schedule implemented.

DONE AND ORDERED this 24th day of August, 2005.

/s/ Joseph G. Scoville
United States Magistrate Judge